

Minutes of a regular meeting of the Zoning Board of Appeals of the Village of Irvington, held in the Board of Trustees Hearing Room on June 8, 1993.

MEMBERS PRESENT: Lewis Herman
 Thomas M. Rothman

MEMBERS ABSENT: Chairman Lustenberger
 Robert Bronnes
 Robert Myers

ALTERNATE

MEMBERS PRESENT: Bruce Clark
 George Rowe

VILLAGE OFFICIALS PRESENT: Eugene Hughey, Building Inspector

Mr Rothman convened the meeting promptly at 8:00 P.M. and announced that Chairman Lustenberger was unavailable for the meeting and that he had been asked to chair the meeting. Mr. Rothman made a motion that the Minutes previously distributed to the Members from the last ZBA meeting of April 27, 1993 be approved, which motion was seconded and unanimously approved. The date for the next meeting of the Board was then set for July 13th.

The first matter heard was the Application of Dorothy Lugrezia of 35 Jaffray Park, to construct a wood patio, which construction would require a variance from the ten foot side yard setback requirements of the Code. Mrs. Lugrezia appeared with her son, presented affidavits of mailing of the notice of the meeting, and stated that the wood patio would be constructed on the site of an existing concrete patio, which, to the best of her knowledge, has existed since her house was constructed in 1956 and which has deteriorated over the years. The existing patio, and the new patio, would be located approximately four feet from her next door neighbor's property and the variance requested was for a six foot side yard setback variance. The new patio would not extend closer to the affected sideline than the existing concrete patio.

Members stated that they have viewed the site, that the site was effectively screened from the next door property and that the new patio would not alter or extend the degree of non-conformance.

After a thorough discussion of the requirements for the granting of a variance and the facts of the Application, motion was made to grant the variance, which motion was seconded and approved unanimously and the variance was granted.

The next matter heard was the Application of Linda and Jon M. Jenkins. Mr. Rothman stated that he is a neighbor of the

Jenkins and that he was **recusing** himself from this Application **and** asked Mr. Herman to Chair the meeting and to take minutes on this matter. Mr. Herman's Minutes on this matter are attached.

The final matter heard was the Application of Kingsbury Woods, Inc. and **Silverstein/Latov**, for a variance from Section 243-14 of the Zoning Code to permit the construction of a single car parking area in the front yard of a parcel of property located on Greyrock Terrace. Mr. **Rothman** stated, by way of background, that-this property has been the subject of a prior variance granted on January 24, 1991, and subsequently renewed by the Board, which permitted the construction of a single family dwelling on the subject property, such property being approximately 5,000 square feet and located in an IF-10 district requiring 10,000 square feet for the construction of a dwelling, such variance being in accordance with a decision directing the granting of such variance "upon such conditions as [the Board] deems appropriate." (see Matter of Morin v. Zoning Board of Appeals of Irvington 558 N.Y.S. 2d 117, 118 (App. Div. 2d Dep't 1990)). Ms. Elizabeth M. Enochs, Esq., appeared on behalf of the Applicants and stated that the **new owners** of the property, Dr. and Mrs. Latov, have purchased the single family dwelling located on the site, which dwelling contains a single car garage and driveway leading thereto. Dr. and Mrs. Latov have two cars, Ms. Enochs stated, and the current driveway/single car garage will require one car to be parked behind the other necessitating the moving of the rear car in the event the driver of the car in front (in the garage) wishes to leave, resulting in an inconvenience to the **Latov's**. To eliminate such inconvenience the **Latov's** request the granting of a variance to permit the paving of an area in their front yard adjacent to the **driveway as** a parking area. Mr. Rowe asked Ms. Enochs whether, in her professional judgement, such parking situation resulted in a **hardship** to the **Latov's** to which Mrs. Enochs stated that she could not represent that the situation constitutes a hardship and that it constitutes an inconvenience. Upon questioning from other Board Members Ms. Enochs did not state any other justification for the variance request. Mr. **Rothman** specified that the Code, Case Law and Village Law required certain findings based upon factual conditions, **which** findings are necessary to justify the granting of the variance and which findings, in his judgment could not be made based upon the facts stated. Ms. Enochs did not offer additional **statements** to her prior "inconvenience" justification.

Members of the public were then recognized and spoke on this Application. Mr. Steve Hart, a neighbor of the property across Greyrock Terrace from the Applicant's property, stated that, in his opinion, an additional parking space will decrease the ability to properly exit from the existing driveway, that Greyrock Terrace is an extremely narrow road, that he parks his car across the street from the subject property and, in his judgment, he believes the granting of the variance and the construction of the parking space will result in a dangerous situation to his property in that it is

car will be hit by cars exiting the Latov's property. Sue Prior, a neighbor adjacent to the property, opposed the Application stating that the property constitutes a lot one half the size of other lots in the neighborhood, that almost all of the property contains either a house or driveway and that additional parking space will further deteriorate the aesthetic look of the property. Mrs. Prior stated that she and many other neighbors have only a single car garage and are subject to the same inconvenience **that** Dr. Latov would be subject to and that, in her opinion, such inconvenience does not justify the granting of the variance. Carol Klein, a neighbor adjacent to the property, stated that she has agreed to the granting of the variance on the condition that suitable plantings be made and maintained to shield the parking space from her house and that a basketball court not be **constructed** adjacent to the parking space. Mr. Rothman then **stated that** numerous other letters have been received by the Board from persons in the area opposed to the Application.

Mr. Rothman moved to deny the Application stating that, in his judgment, inconvenience is not sufficient grounds for the granting of the Application in accordance with the requirements for a variance set forth in the Village of Irvington Zoning Code, applicable case law and Village Law, which motion was seconded and unanimously approved and the Application was denied.

The meeting was adjourned at 8:50 P.M.

Respectfully submitted,


Thomas M. Rothman
Secretary